

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 DONALD L. PATE,

12 Plaintiff,

13 v.

14 KITSAP COUNTY, a political subdivision of  
15 the State of Washington, TERRY K.  
16 COUSINS, INDIVIDUALLY AND IN HER  
17 OFFICIAL CAPACITY AS A Kitsap County  
18 Corrections Officer; and STATE OF  
19 WASHINGTON,

Defendants.

NO. C07-5331 KLS

ORDER ALLOWING DENYING  
MOTION FOR JURY VIEW

20 This matter comes before the Court on the Plaintiff's Motion for Jury to Take A View (Dkt. #52).  
21 The Defendants filed their Response (Dkt. #59 and 60).

22 BACKGROUND

23 Mr. Pate alleges that he was injured when he fell from a top bunk bed while he was in custody at  
24 the Kitsap County Jail. He now requests an order from the Court allowing the jury to view the cell in  
25 which the plaintiff alleges he was injured as well as the crisis room in which he was placed on his return  
26 from the hospital.

27 The Defendants oppose the request on the grounds that Plaintiff has failed to show how  
28 photographs of the areas would not be appropriate. They also raise concerns regarding logistics to

1 include security concerns, staffing and inmate numbers in the jail. The Court shares the concerns and  
2 issues raised by the Defendants and the motion is therefore DENIED.

3 DATED this 25<sup>th</sup> day of August, 2008.

4   
5 Karen L. Strombom  
6 United States Magistrate Judge  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28